



U.S. DEPARTMENT of STATE

Belize

Country Reports on Human Rights Practices - [2003](#)

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Belize is a parliamentary democracy with a constitution enacted in 1981 upon independence from the United Kingdom. The Prime Minister, a cabinet of ministers, and a legislative assembly governed the country. The Governor General represented Queen Elizabeth II in the largely ceremonial role of head of state. Prime Minister Said Musa's People's United Party (PUP) held 22 of the 29 seats in the House of Representatives following generally free and fair elections on March 5. The judiciary is independent.

The Police Department has primary responsibility for law enforcement and maintaining order. The Belize Defence Force (BDF) is responsible for external security but, when deemed appropriate by civilian authorities, may be tasked to assist the police department. Armed BDF soldiers routinely accompanied police patrols in Belize City in an attempt to reduce the violent crime rate. The police report to the Minister of Finance and Home Affairs, while the BDF report to the Minister of Defence and National Emergency Management. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The market-based economy was primarily agricultural, although tourism has become the principal source of foreign exchange earnings; the country's population was approximately 262,000. There was a very small industrial sector, comprising limited agribusiness, clothing, and boat manufacturing. The agricultural sector was heavily dependent upon preferential access to export markets for sugar and for bananas. In 2002, gross domestic product grew at a rate of 4.4 percent, inflation stood at 2.3 percent, and 40 percent of the population lived in poverty.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Principal human rights abuses included alleged unlawful police killings, brutality and excessive use of force by members of the security forces, allegations of arbitrary arrest and detention, and lengthy pretrial detention. Violence and discrimination against women, abuse of children, and employer mistreatment of undocumented foreign workers also were problems. There were reports of trafficking in persons, but the Government enacted and enforced anti-trafficking legislation.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no political killings; however, the security forces were accused of some unlawful or unwarranted killings.

On June 7, police constable Sheldon Arzu killed Ruben Alarcon in the police station on Caye Caulker. Alarcon died from two close-range gunshot wounds to his back. Alarcon, who was not in custody at the time of the killing, was at the police station seeking the release of two friends. Police officials told the press that Arzu acted in self-defense after Alarcon threatened him with an empty beer bottle. The police department suspended Arzu and, on June 19, charged him with manslaughter. At year's end, his trial was pending.

On June 14, a group of police officers fired into a crowd outside a Ladyville nightclub, killing Darnell McDonald and injuring two others. A police investigation concluded that police constable Sherwood Wade fired the fatal shots. The authorities charged Wade with manslaughter, and his trial was pending at year's end.

On August 20, prison guards killed inmate Mark Stuart. Media reports claimed Stuart was shot 49 times. Stuart, who was awaiting trial on a murder charge, had been acquitted of killing a cellmate during a prison stay in 1998. A preliminary investigation indicated that Stuart attacked a prison officer with a knife and refused to back down despite a warning shot fired into his leg. It was unclear whether any guards would be reprimanded for the killing, but all prison guards subsequently exchanged their weapons for stun guns and pepper spray.

On September 10, BDF private Giovanni Gutierrez shot and killed Aaron Mariano while on a routine Belize City police patrol. Press accounts stated that the patrol wanted to detain Mariano for allegedly assaulting a police officer earlier in the day, and that Mariano was unarmed and running away from the patrol when Gutierrez shot him in the back of the head. Although reports conflicted as to whether Gutierrez acted under orders, authorities charged Gutierrez with manslaughter.

There were no developments in the January 2002 deaths of Kirk Thompson and Edmund Velasquez. On August 5, the Prime Minister's office released the official Commission of Inquiry report into the September 2002 deaths of two Maya loggers at the hands of five forestry and police officials. The report found that the use of lethal force against Alfredo Teck and Seriano Choc was justifiable and that the officers acted in self defense.

In January, the authorities charged police constable Kevin Alvarez and his two brothers with murder and conspiracy to commit murder in the December 2002 shooting death of Albert Pennil.

On February 5, the Chief Justice sentenced police constable Mervin Vernon to 9 months' imprisonment and a payment of \$2,500 (Bz \$5,000) to the victim's family, after a jury found Vernon guilty of causing death by careless conduct in the 2001 killing of Frederick Reynolds.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture or other inhuman punishment; however, there were several reports that police and prison staff used excessive force.

Some of the most common complaints received by the office of the Ombudsman involved alleged misconduct and abuse by police and Department of Corrections personnel. The Ombudsman reported that the number of such reports decreased; however, a number of cases of alleged abuses featured in the press were never reported to the Ombudsman's office. In many cases, the Government ignored reports of abuses; withheld action until the case had faded from the public's attention, at which point no action was taken; or transferred guilty officers to other districts. Despite this generally poor approach, the Government did take action in a small number of cases. The Ombudsman stated that police use of force was appropriate in the majority of cases he investigated, usually due to the complainant having resisted arrest, even if the level of force used was sometimes excessive.

On August 24, police superintendent Ewart Itza, in civilian attire, ordered uniformed officers to detain Lincoln Cardinez and Timothy Cano. Once at the Dangriga police station, Itza beat Cardinez and pistol-whipped Cano in the head. Itza ordered the subordinate officers not to provide Cano with medical care; both men were locked in a cell overnight before being released without charges the next morning. The authorities investigated the brutality claims, charged Itza with wounding and harm, and suspended him pending trial. On December 5, police further charged Itza with false imprisonment, threat of death, aggravated assault, and using insulting or indecent words.

On December 22, the police suspended constable Adrian Lopez and charged him with attempted rape and indecent assault. The victim reported that Lopez arrested her for a traffic violation and drove her to a deserted airfield, where he tried to rape her before she escaped.

There were no developments in the May 2002 case in which prison officer Ean Daley shot and injured four inmates.

Prison conditions were poor, but they improved during the year due to initiatives undertaken by new private management. The country's only prison, in Hattiesville, built in 1993 and designed for 500 inmates, held 1,050 male and 24 female prisoners, resulting in significant overcrowding. The budget provided only \$6 (Bz\$12) per prisoner per day to cover all operating costs of the prison. In the remand section, 205 detainees shared 30 15- by 20-foot

cells, equipped with beds for only a quarter of that number. The prison had a medical clinic with four beds, a full-time doctor, and two nurses. Prisoners often had to pay for their own treatment and medicine.

Pretrial detainees were housed in overcrowded cells separate from convicted criminals. There was no separate facility for inmates with mental illnesses. First-time offenders were housed in the same building as those who committed capital crimes. Incidents of gang- and drug-related violence in the prison continued. Prison breaks, confiscation of weapons, and reports of beatings also occurred during the year.

There were reports of brutality by prison wardens. Inmates claimed that guards sometimes beat troublesome prisoners. A common punishment was placing inmates in a small, unlit, and unventilated punishment cell.

In addition, prisoners enforced their own code of conduct and attacked prisoners convicted of heinous crimes such as child molestation. On June 17, convicted murderer Phillip Tillett walked past security and left the maximum-security section of the prison. He then stabbed and killed Kirk Belisle, a medium-security burglary convict. Tillett was charged with murder, although prison guards denied seeing the stabbing.

The prison included a separate facility for women, located 200 yards outside the main compound. Conditions in the women's facility were significantly better than those in the men's compound. The 24 women held there occupied 17 cells. The facility was clean, and inmates had access to limited educational and vocational classes.

Juvenile prisoners lived in a separate, newly reorganized section of the main prison. The new youthful offenders program included 16 hours per day of structured schooling, exercise, and vocational training. Opportunities for work or skills training at the prison expanded to involve approximately 60 percent of prisoners. Inmates earned small stipends for work on projects like the prison's farm, construction projects, and internal public announcement station. Some took welding or crafts classes or took advantage of a limited educational curriculum, and 14 became certified emergency medical technicians.

In 2002, the Government privatized the management of Hattieville Prison. The Government's Ministry of Home Affairs retained oversight responsibility, but management was taken over by the nonprofit Kolbe Foundation, created by members of the Prison Advisory Board and the local Rotary Club. Kolbe streamlined finances and increased professionalism among the staff. In May, 37 prison officers completed a 5-week training course on topics including first aid, prison rules, and justifiable force. An additional 41 officers finished the training in July. Kolbe believed it could improve the prison by reducing endemic waste and corruption and by using prison labor on infrastructure projects.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest or detention, and the Government generally observed these provisions; however, there were occasional accusations of arbitrary arrest and detention.

The 870-member national police force had a hierarchical structure and was generally effective in responding to complaints; however, lack of resources and corruption were problems. Police sometimes succumbed to the lure of bribes in the face of their low salaries. In February, a donation of 100 vehicles contributed to greater police presence on the streets.

The Police Department's internal affairs and discipline (IAD) section, the Director of Public Prosecutions (DPP), and the Ombudsman's office investigated allegations of abuse by officials. According to IAD, there were a number of sanctions against police officers for infractions during the year. The vast majority of these were for petty offenses, such as being absent without leave, but a small number of the offenses were more serious. No detailed data were available.

Police were required to obtain search or arrest warrants issued by a magistrate, except in cases of hot pursuit, when there was probable cause, or if the presence of a firearm was suspected. Customs officers could search a premise with a writ of assistance issued by the Comptroller of Customs. The law requires police to inform a detainee of the cause of detention and to bring the person before a court to be charged formally within 48 hours of arrest. In practice, authorities normally informed detainees immediately of the charges against them.

Police were required to follow "The Judges' Rules," a code of conduct governing police interaction with arrested

persons. In rare instances, entire cases were dismissed when the Judges' Rules were violated. More commonly, a confession obtained through violation of these rules was deemed invalid. Detainees were usually granted timely access to family members and lawyers, although there were occasional complaints that inmates were denied access or a phone call after arrest. Bail was available for all cases except murder and was granted in all but the most serious cases. In cases involving narcotics, police cannot grant bail, but a magistrate's court may do so after a full hearing. Detainees sometimes could not afford bail, and backlogs in the docket often caused considerable delays and postponement of hearings, resulting in an overcrowded prison, and at times prolonged pretrial detention. At year's end, 19 percent of the prison population was on pretrial detention (see Sections 1.c. and 1.e.).

The Constitution prohibits exile, and it was not used.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

Judges hold lifetime appointments (until the mandatory retirement age of 65). Only one of the four Supreme Court justices was a citizen. There were 17 magistrates and 2 vacant positions; only 3 of the magistrates had a legal background. Every magistrate was a citizen. Most judges were members of the civil service and were routinely transferred between court and administrative postings. The Government appointed the Director of Public Prosecutions to the job for life. The DPP reported no attempt at political interference in his job. The judiciary was seen as relatively honest.

The judiciary consists of the alcalde courts (with jurisdiction over small civil claims and minor criminal infractions), the magistrate's courts, the Supreme Court, the Court of Appeals, and a family court that handles cases of child abuse, domestic violence, and child support. The family court is at the same level as the magistrate's courts; however, trials in cases that came before the family court generally were private. The convicted party in family court may appeal to the Supreme Court. Those convicted by either a magistrate's court or the Supreme Court may appeal to the Court of Appeals. In exceptional cases, including those resulting in a capital sentence, the convicted party may make a final appeal to the Privy Council in the United Kingdom. Trial by jury is mandatory in capital cases.

Persons accused of civil or criminal offenses have constitutional rights to presumption of innocence, protection against self-incrimination, defense by counsel, a public trial, and appeal. Defendants have the right to be present at their trial unless the opposing party feared for his or her safety. In such a case, the court granted interim provisions under which both parties were addressed individually during a 5-day period.

Legal counsel for indigent defendants was provided by the State only for capital crimes. Most defendants could not afford an attorney, and these were convicted at a much higher rate than those with legal representation. The Legal Aid Center's staff attorney handled up to 150 cases a year, leaving the majority of defendants unrepresented. The judicial system was constrained by a severe lack of trained personnel, and police officers often acted as prosecutors in the magistrate's courts. At year's end, the DPP started hiring professional, full-time prosecutors to replace the largely untrained and inexperienced police prosecutors.

There were lengthy trial backlogs in the judicial system. Routine cases without a defense attorney were disposed of within 1 month, but cases involving a serious crime or where there was a defense attorney took up to 1 year. Despite an increase in serious crimes, poor case management, lack of attorney discipline, unreliable witnesses, and several cases that had been ongoing for years, the backlog of cases was shrinking.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, government authorities generally respected these prohibitions, and violators were subject to legal action. However, some disputes regarding the Government's exercise of eminent domain rights remained unresolved despite pending for years in the courts.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. The Constitution also permits the authorities to make "reasonable provisions" in the interests of defense, public safety, public order, public morality, or public health. These provisions include forbidding any citizen to question the validity of the financial disclosure statements submitted by public officials. Anyone who questioned these statements orally or in writing outside a rigidly prescribed procedure was subject to a fine of up to \$2,500 (Bz\$5,000), or imprisonment of up to 3 years, or both.

A wide range of viewpoints was presented publicly, usually without government interference, in 10 privately owned weekly newspapers, 2 of which were owned by major political parties. There were no daily newspapers. All newspapers are subject to the constraints of libel laws, but these laws have not been invoked in several years. Newspapers, especially the one owned by the opposition party, were routinely critical of the Government without fear of reprisal.

There were 10 privately owned commercial radio stations and 1 British military station that broadcast news directly from London and other Caribbean nations. Popular radio call-in programs were lively and featured open criticism of, and comments on, government and political matters.

There were two privately owned television stations that produced local news and feature programming. There were also several cable television providers throughout the country that rebroadcast foreign stations. The Belize Broadcasting Authority regulated broadcasting and retained the right to preview certain broadcasts, such as those with political content, and to delete any defamatory or personally libelous material from political broadcasts. While this right exists, it has not been exercised in several years.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. Political parties and other groups with political objectives freely held rallies and mass meetings. The organizers of public meetings must obtain a permit 36 hours in advance of the meetings; such permits were not denied for political reasons and were granted routinely in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The law provides for granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Until closing its Refugee Department in 1999, the Government cooperated directly with the office of the U.N. High Commissioner for Refugees (UNHCR). Since then, the UNHCR relied upon a local nongovernmental organization (NGO) to monitor the status of asylum seekers and to represent its interests. It was unclear how many outstanding refugee or asylum claims there were as of year's end. There were no new cases during the year. The Government has not recognized any individual as a refugee since 1997 and had no procedure in place to accept or resettle refugees.

Since 1999, the Government has not accepted asylum applications, and there was no legislation that formalized the asylum process.

On July 30, the Government refouled 15 Cubans who fled Cuba by boat and drifted into national waters in mid-July. Immigration authorities arrested all 15 persons and detained them at Hattieville prison for 2 weeks. The Government chartered two single-engine aircraft to fly the Cubans back to Havana under guard. The group resisted boarding the planes; once aboard, security personnel handcuffed them to their seats. In press interviews prior to their refoulement, the group expressed fear of returning to Cuba. However, they did not request asylum; the

local NGO representative who works with UNHCR on asylum claims stated that was because they had heard of multiple cases in which the Government denied asylum requests to Cubans. Some of the detainees told the media they had hoped for the same fate as a group of 22 Cubans in December 2002. In that case, the Government sent the Cubans, whose asylum claim was denied, back to sea weeks after they washed ashore.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country is a democracy governed by a national assembly with executive direction from a cabinet of ministers headed by Prime Minister Said Musa. The law requires national elections every 5 years. In March, the PUP won re-election, maintaining 22 of 29 seats in the House of Representatives in generally free and fair elections.

All elections were held by secret ballot, and suffrage was universal for citizens 18 years of age and older. National political parties included the People's United Party and the United Democratic Party (UDP). Another political party, calling itself "We the People," was formed in 2001 and fielded several candidates in the election. The country's ethnic diversity was reflected in each party's membership.

No laws impede participation of women in politics, and 82 percent of both men and women were registered to vote. There were two women in the House of Representatives; one was an elected Representative and the other was appointed to serve as Speaker of the House. There were 3 women in the 12-member appointed Senate, and another woman served as president of the Senate. There was one woman in the Cabinet, and three women were chief executive officers of ministries.

There are no laws impeding participation by indigenous persons or minority groups in politics. There were Mestizo, Creole, Maya, and Garifuna representatives in the National Assembly. Voter registration and participation were not tracked by ethnicity; however, there were no complaints or reports of electoral discrimination on the basis of ethnicity.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views. The main limitation on human rights monitoring was the limited number of NGOs in the country and their problems attracting funding.

The Human Rights Commission of Belize (HRCB), an NGO affiliated with regional human rights organizations and partly funded by the UNHCR, operated without government restriction on a wide range of issues, including migrant and agricultural workers' rights and cases of alleged police abuse. The HRCB published human rights complaints and urged police and other governmental bodies to act upon them.

On January 29, the HRCB criticized the police following the arrest of one of its members, Antoinette Moore, and her husband, Michael Flores, on drug trafficking charges. Moore and Flores lived in Hopkins but owned a farm several miles from their residence where the drugs were found. The HRCB stated the charges were intended solely to silence opponents of police brutality in Dangriga. Flores, a talk radio host, spoke repeatedly about worsening brutality on his radio program and had been warned by police to stop his commentary prior to the arrest. Moore was well known as an attorney and for her involvement with the HRCB. The case was scheduled for trial in March 2004.

In 1999, the Government created the position of Ombudsman to act as a check against governmental abuses. The Ombudsman stated in his fourth annual report that he received 307 formal complaints between April 2002 and March. While most complaints were against the Government, a number were against private entities. There were 120 complaints against the Police Department, 33 regarding the Lands Department, and 16 each against the Department of Corrections and the Family Court. The Ombudsman investigated the majority of these cases and published his findings on many of them in the annual reports.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, place of origin, political opinion, color, creed, or sex. The

country is multiracial and multiethnic, and discrimination was rare, although ethnic tension, particularly resentment of recently arrived Central American and Asian immigrants, continued to be a problem. The Government continued to reserve certain professions for citizens, granting permits and licenses to noncitizens only in specific cases. These occupations included fishing, souvenir manufacturing, sightseeing tours, accounting, insurance, real estate, and legal services. There was some societal discrimination against persons with HIV/AIDS, and the Government worked to combat it through the public education efforts of the National AIDS Commission, established in 2002.

Women

Domestic violence against women was a worsening problem. The Family Violence Unit of the police recorded approximately 1,000 instances of domestic violence against women during the year. Two-thirds of the reported cases were from Belize City. A shelter for battered women offered short-term housing. The Belize Organization for Women and Development, an NGO, advised women on their rights and provided counseling.

Laws prohibit rape and sexual harassment. The police and courts treated rape more seriously than in previous years, but it was still not a priority. The Magistrate's Court reported five convictions for rape and one for attempted rape, with sentences ranging from 5 to 28 years. Arrests and convictions for rape were widely covered in the press. The police and courts more strongly enforced statutory rape laws, with 27 convictions. The Criminal Code prohibits marital rape.

Adult prostitution is legal; however, the law prohibits loitering for prostitution, operating a brothel, and soliciting for prostitution. The laws, which carry penalties of fines up to \$500 (Bz\$1,000) or 1 year of imprisonment, were weakly enforced. Several prominent brothels openly operated.

Despite constitutional provisions for equality, women faced social and economic prejudice. It was harder for women to find employment, and most employed women were concentrated in female-dominated occupations with low status and wages. Although there was no statistical support for the claim, it was believed widely that women found it more difficult than men to obtain business and agricultural financing and other resources. In recent years, the proportion of women in higher education increased, and 64 percent of students at the University of Belize were women.

There were no legal impediments to women owning or managing land or other real property. Women were active in all spheres of national life, but relatively few held top managerial positions. However, women served as assistant police commissioner, chief elections officer, AIDS commissioner, and Minister of Defense. Women also headed the Belize Citrus Growers Association, the Government's trade promotion board, and several prominent environmental NGOs. The law mandates equal pay for equal work; however, women tended to earn less than men; in 1999 the median monthly income for a working woman was \$290 (Bz\$580) compared to \$317 (Bz\$634) for a man.

The Women's Department in the Ministry of Human Development, Women and Children, and Civil Society is charged with developing programs to improve the status of women. A number of officially registered women's groups worked closely with various government ministries to promote social awareness programs.

Children

The Government was committed to children's rights and welfare. Education is compulsory for children between the ages of 5 and 15. After children finish their primary education, they may enter a secondary school, the government-run apprenticeship program, or a vocational institution. However, these programs had room for only one-half of the children finishing primary school; competition for spaces in secondary school was intense. Education was nominally free, but school, book, and uniform fees placed education out of reach for many poor children. There were also many truants and dropouts. A study published in April concluded that girls and female teachers were victims of discrimination in the schools. Religious organizations administered a number of educational institutions, including a majority of primary schools and the most prestigious girls' and boys' secondary schools.

The Family Services Division in the Ministry of Human Development, Women and Children, and Civil Society was devoted primarily to children's issues. The division coordinated programs for children who were victims of domestic violence, advocated remedies in specific cases before the family court, conducted public education campaigns, investigated cases of trafficking in children (see Section 6.f.), and worked with NGOs and UNICEF to promote children's welfare.

Child abuse was not considered to be widespread or a societal problem; the Family Violence Unit recorded around

100 cases of domestic violence against children a year, nationwide. Sexual abuse of minors, including incest, was a problem. The Families and Children Act allows authorities to remove a child legally from an abusive home environment and requires parents to maintain and support children until they reach the age of 18. In 2002, the Ministry of Human Development, Women and Children, and Civil Society enacted a statutory instrument to strengthen the Families and Children Act to help prevent child abuse and aid prosecution. The National Organization for the Prevention of Child Abuse and Neglect (NOPCAN) instituted a nationwide telephone help line to encourage discourse and reduce abuse.

A practice that occurred throughout the country was that of parents selling their female children to an older man, often a friend of the family (see Section 6.f.).

Persons with Disabilities

The law neither provides specifically for accessibility for persons with disabilities nor prohibits job discrimination against them. The Government's Disability Services Unit, as well as a number of NGOs, such as the Belize Association of and for Persons with Disabilities and the Belize Center for the Visually Impaired, provided assistance to such persons. Children with disabilities had access to government special education facilities, although the requirements to enter such programs were strict.

Indigenous People

Among the country's indigenous persons, the Mopan and Ke'kchi were grouped under the general term Maya, although their leaders stated that they should be identified as the Masenal, meaning "common people." The Maya sought official recognition of their communal claims to land, but the Government was reluctant to single out one ethnic group for special consideration. The Government designated 77,000 acres as 9 separate Mayan reserves; however, Mayan leaders claimed that the Maya have an ancestral claim to a total of 500,000 acres. The Maya formed cultural councils and other groups to advance their interests, sometimes with the collaboration of NGOs concerned with environmental and indigenous issues.

On October 24, the Inter-American Commission on Human Rights (IACHR) issued a report finding that the Government violated the rights of the Maya to land in the Toledo district. The report recommended that the Government recognize the Mayan right to traditionally occupied communal property and demarcate such property before taking any further actions on disputed land. At year's end, the Government had not responded to the IACHR report.

Section 6 Worker Rights

a. The Right of Association

By law and in practice, workers generally were free to establish and join trade unions. Eight independent unions, whose members constituted approximately 11 percent of the labor force, represented a cross-section of workers, including most civil service employees. The Ministry of Labor recognizes unions after they file with the Registrar's Office. Unions may organize freely, and the law requires employers to recognize unions when a critical level of membership is reached. The law empowers members to draft the bylaws and the constitutions of their unions, and they were free to elect officers from among the membership at large. Unions that chose not to hold elections acted as representatives for their membership, but the National Trade Union Congress of Belize permitted only unions that held free, annual elections of officers to join its ranks. Both law and precedent effectively protect unions against dissolution or suspension by administrative authority.

Although no unions were affiliated officially with political parties, several were sympathetic to one or the other of the two main parties (the PUP and the UDP).

The Constitution prohibits anti-union discrimination. However, since 1989 the International Labor Organization (ILO) has been drawing the Government's attention to the need to ensure that workers benefit from adequate protection against anti-union discrimination, stating that the fine of \$125 (Bz\$250) does not sufficiently dissuade acts of anti-union discrimination. According to the Trade Unions and Employers Organizations Act, any worker who is a victim of anti-union discrimination can seek redress in the Supreme Court with allowable judgments of up to \$2,500 (Bz\$5,000). Some employers have been known to block union organization by firing key union sympathizers, usually on grounds purportedly unrelated to union activities. Effective redress was extremely difficult to obtain in such situations. Technically, a worker could file a complaint with the Labor Department, but in practice

it was difficult to prove that a termination was due to union activity.

Unions freely exercised the right to form federations and confederations and affiliate with international organizations.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and unions practiced it freely. Employers and unions set wages in free negotiations, or, more commonly, employers simply established them. The Labor Commissioner or his representative acted as a mediator in deadlocked collective bargaining negotiations between labor and management, offering nonbinding counsel to both sides. Should either union or management choose not to accept the Commissioner's decision, both were entitled to a legal hearing of the case, provided that it was linked to some provision of civil or criminal law.

The law permits unions to strike and does not require them to give notice before going on strike. However, this right was limited for public sector workers in areas designated as "essential services." Both the ILO and the International Confederation of Free Trade Unions have found the Government's definition of essential services to be overly broad and an infringement on some workers' right to strike. The Essential Services Act also empowers the Government to refer a dispute to compulsory arbitration to prohibit or terminate a strike.

The Labor Code applies in the country's export processing zones (EPZs). There were no unions in the EPZs.

c. Prohibition of Forced or Bonded Labor

The Government prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Act prohibits all employment of children under age 12 and prohibits employment of children between the ages of 12 and 14 before the end of school hours on official school days. However, there was a tradition of children's employment on family farms and in family run businesses, which the law allows. The minimum age for employment was 17 years for work near hazardous machinery. Inspectors from the Departments of Labor and Education enforced this regulation.

A 2001 NOPCAN report stated that child labor existed in many forms in the Corozal district, with children working as shop assistants, gasoline attendants, and cane farmers. During the year, the ILO estimated that 11 percent of children between the ages of 5 and 17 were working. In the rural regions, children worked on family plots and businesses after school, on weekends, and during vacations and were involved in the citrus, banana, and sugar industries as field workers. In urban areas, children shined shoes, sold newspapers and other small items, and worked in markets. Teenage girls, many of whom were migrants from neighboring Central American countries, worked as domestic servants, and some were rumored to work as bar maids and prostitutes.

e. Acceptable Conditions of Work

The minimum wage was \$1.12 (Bz\$2.25), except for domestic workers in private households, and shop assistants in stores where liquor was not consumed, and in export industries, where it was \$1.00 (Bz\$2.00) per hour. The minimum wage law did not cover workers paid on a piecework basis. The Ministry of Labor was charged with enforcing the legal minimum wage, which generally was respected in practice. The minimum wage did not provide a decent standard of living for a worker and family.

The law sets the workweek at no more than 6 days or 45 hours. It requires payment for overtime work, 13 public holidays, an annual vacation of 2 weeks, and sick leave for up to 16 days. An employee is eligible for severance pay after being employed continuously for at least 5 years.

The exploitation of undocumented Central American workers, particularly young service workers and agricultural workers, continued to be a problem.

A patchwork of health and safety regulations covered numerous industries, and the Ministry of Labor enforced

these regulations to varying degrees. The ministries committed their limited inspection and investigative resources principally to urban and more accessible rural areas where labor, health, and safety complaints were registered. Workers had the legal right to remove themselves from a dangerous workplace situation without jeopardy to continued employment.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to and within the country, mainly from neighboring Central American countries.

In June, the Government enacted comprehensive legislation that prohibited all forms of trafficking in persons and made offenses punishable by fines of up to \$5,000 (Bz \$10,000) and imprisonment of up to 8 years. The law also provides for limited victims' assistance, although in practice government resources were too limited to provide meaningful aid to victims. Under the law, noncitizen victims willing to assist in prosecuting traffickers are eligible for residency status.

In August, a nationwide raid on 42 brothels resulted in the arrest of several brothel proprietors on trafficking charges and the identification of numerous victims, including a 16-year-old girl. Those arrested had not yet gone to trial by year's end; a hearing was scheduled for January 2004.

In June, the Government formed a National Task Force to combat human trafficking, comprising multiple ministries, NGOs, diplomatic representatives, police, immigration, and prosecution personnel. The task force established a protocol for investigating and handling trafficking cases under the new law. The police, immigration, and human services shared investigation roles in the August raid.

The National Committee for Families and Children reported instances of minors engaged in prostitution with an older man, in some cases of their own volition, in others arranged by their family. These girls were typically of high-school age, but some as young as 13 were reported, and came from economically disadvantaged families. They provided sexual favors to an older man in return for clothing, jewelry, or school fees and books. In a limited number of cases where the Government attempted to prosecute the men for unlawful carnal knowledge, these efforts were often stymied by the unwillingness of the girls' families to press charges.

There were few confirmed cases of trafficking in children for the purpose of prostitution. On October 22, police charged two male foreigners with unlawful carnal knowledge and trafficking in minor girls in Toledo district. The girls reported sex acts with the accused, and police found nude photos of some of them on the men's personal computers. The two reportedly had paid parents for access to the children.

In the May 2002 arrest of John Majarrez for carnal knowledge of 10- and 13-year-old Salvadoran sisters, criminal charges were still pending. In the south, there were reports of traffickers paying parents to take pornographic photos and videos of their children.

There were reports of persons trafficked for labor purposes. There were instances of Chinese migrants being forced to work in local (Chinese-owned) sweatshops. Members of the East Indian community also imported employees from India in effect as bonded labor, holding their passports and paying less than minimum wage.